



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,311	02/15/2001	Lawrence D. Hartsook	22253-05099	7055

758 7590 05/12/2005

FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

EXAMINER

KINDRED, ALFORD W

ART UNIT	PAPER NUMBER
----------	--------------

2163

DATE MAILED: 05/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/788,311

Applicant(s)

HARTSOOK ET AL.

Examiner

Alford W. Kindred

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Detailed Action

1. This action is responsive to communications: Reconsideration filed on 12/06/04.
This action is made final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by Oliver et al., US# 2002/0133412 A1.

As per claims 1 and 13, Oliver et al. teaches “identifying a symbol in the data in the markup language, the symbol indicating a query of a data set” (see page 13, paragraphs [0307] and [0315]) “accessing the data set in order to generate a resolution to the query” (see page 15, paragraphs [0345]-[0349]) “rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language” (see page 11, paragraphs [0274]-[0275]).

As per claims 2 and 14, Oliver et al. teaches “a delimited token” (see pages 5-6, paragraphs [0114]-[0120]).

As per claims 3-4, Oliver et al. teaches "the symbol is located within the data in the markup language such that the query is associated with a markup language tag" (see page 11, paragraph [0275]).

As per claim 5, Oliver et al. teaches "rendering the resolution of the query according to at least one rule associated with the markup language tag with which the query is associated" (see page 15, paragraphs [0346]-[0350]).

As per claims 6-7 and 15, Oliver et al. teaches "a set of at least one document in a hierarchically structured format" (see page 14, paragraphs [0319]-[0322], whereas Oliver's XML illustrates a hierarchically structured format in a fashion similarly to applicant's claim language).

As per claims 8, 12, 16, and 18 Oliver et al. teaches "the symbol conforms an Extensible Markup Language standard concerning queries" (see page 14, paragraph [0319]).

As per claim 9, Oliver et al. teaches "a database" (see page 7, paragraphs [0155]-[0160]).

As per claim 10, Oliver et al. teaches "a browser" (see page 10, paragraphs [0242]-[0246]).

As per claim 11, Oliver et al. teaches "rendering is performed by software running on a hand held computing device" (see page 7, paragraphs [0161]-[0163], whereas Oliver's Clickshare combined with a TV with a remote and C-programming language, teaches applicant's claim language above).

As per claim 17, Oliver et al. teaches "updating the data set" (see page 7, paragraph [0147] and page 15, paragraph [0349]).

As per claims 19-23, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1, 5, 12, and 18 respectively and are similarly rejected.

As per claims 24-27, these claims are rejected on grounds corresponding to the arguments given above for rejected claims 1-3, 12 and 22 respectively and are similarly rejected.

Response to Arguments

4. Applicant's arguments filed 12/04/05 have been fully considered but they are not persuasive. 12/06/05.

--As per applicant's arguments regarding "Oliver does not disclose . . . dynamically rendering data in a markup language . . . Oliver is completely silent with regards to rendering data, and is solely drawn towards methods of managing transactions on a network . . .". Examiner maintains that Oliver's teachings of managing transactions on a network clearly teaches the processing of markup language which implies that markup language is processed using tags that indicates paragraphs as well as classifying data associated therewith (see page 2 of applicant's specification). Therefore Oliver's network processing of data, including the use of a browser, dynamically render data in a manner similar to applicant's claim language. Both

Art Unit: 2163

applicant's claim language and Oliver disclose the display of markup data via a browser in a dynamic fashion.

--As per applicant's arguments regarding "Oliver does not disclose . . . rendering the resolution to the query as a part of the markup language, according to at least one rule associated with the markup language." Examiner disagrees and argue that Oliver's browser element clearly teaches rendering to the resolution to a query according to one rule associated with the markup language. Oliver's browser element allows for the direct translation of markup language to a language that is viewable in a natural format with is illustrative of rendering a resolution to a query according to a rule as indicated in applicant's claim language. The markup-language limitation of applicant's claim language is synonymous to Oliver's browser and network element since both imply the processing of markup-language to natural language or language that is user-friendly. Further Oliver's "pricing rule" occurs in a network environment that includes the processing of markup language and therefore reads on the "one rule associated . . ." language in applicant's claims. Both infer that data must abide by some type of rule of behavior in order to be processed properly.

Conclusion

5. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

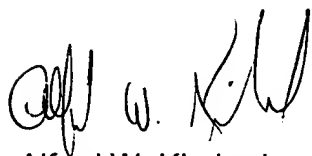
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2163

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Alford W. Kindred', is positioned above the printed name.

Alford W. Kindred
Patent Examiner
Tech Ctr. 2100